

REMARKS

Claims 1-3, 5-10, and 12-14 were previously and are still pending in this application. In the Office Action Summary and on page 2 of the Detailed Action, the Examiner refers to claims 1-10 and 12-14 as pending. Applicant believes that the Examiner meant "claims 1-3, 5-10, and 12-14" rather than "claims 1-10 and 12-14" because claim 4 was canceled in the Amendment filed on October 24, 2005. The following discussion assumes that claims 1-3, 5-10, and 12-14 are pending.

Double Patenting Rejection

The Examiner rejected all the pending claims on the grounds of nonstatutory obviousness-type double patenting over claims 1-3 and 9-11 of U.S. Patent No. 6,454,878. Applicant believes that the Examiner meant U.S. Patent No. 6,454,787 ("the '787 Patent") and not U.S. Patent No. 6,454,878. The Examiner also rejected all the pending claims over claims 1-4 and 14-17 of U.S. Patent No. 6,361,551 ("the '551 Patent").

Without conceding the correctness of Examiner's position, Applicant herewith files a terminal disclaimer to "the '787 Patent" and "the '551 Patent." Accordingly, withdrawal of the obviousness-type double-patenting rejection is kindly requested. Applicant had previously (on May 17, 2004) filed a terminal disclaimer to "the '787 Patent" and "the '551 Patent" in which Davol, Inc. was incorrectly named as the owner. The herewith filed terminal disclaimer rectifies the clerical error in the previous terminal disclaimer.

CONCLUSION

Applicant believes that all pending claims are now in condition of allowance and a Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

By 

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